



## **Report to the Legislature**

# **Services to Persons with Disabilities who are Residents of Residential Habilitation Centers (RHC) who are Able to be Cared for and Choose to Live in Community Settings, Persons with Disabilities who are Without Residential Services and at Immediate Risk of Institutionalization, or are Children Aging Out of Other State Services, or are Community Based Waiver Clients Assessed as Having Immediate Need for Increased Services**

Chapter 518, Laws of 2005, Section 205(1)(c) Uncodified

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## EXECUTIVE SUMMARY

Chapter 518, Laws of 2005, Section 205(1)(c) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons moving into community settings through this section and the actual expenditures for all community services to support those residents. This proviso is intended to provide community residential and support services for a minimum of 39 clients including: 1) residents of Residential Habilitation Centers (RHC) who are able to be adequately cared for in community settings and who choose to live in those community settings; 2) clients without residential services who are in crisis or immediate risk of needing an institutional placement; 3) children who are aging out of other state services; and 4) current home and community-based waiver program clients who have been assessed as having an immediate need for residential services or increased support services.

## BACKGROUND

Residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings: Through a process adopted by DDD to implement Olmstead during the 2001-2003 biennium and carried forward in the 2005-2007 biennium, each individual living in an RHC, their guardian or close relative(s) will be asked annually whether they want to move to the community. If a person wants to move, the division will facilitate the move.

Clients without residential services who are in crisis or immediate risk of needing an institutional placement: Providing community services options to divert the need for institutionalization for persons with developmental disabilities is a long-term state and national trend. A number of DDD clients who are eligible for, and have the right to services in an ICF/MR experience a crisis due to the loss of, or lack of needed supports that places their health and safety at risk. This may occur when they lose a caregiver such as an elderly parent or a contracted community provider is no longer able to meet their significant support needs. These persons are at risk of institutionalization without sufficient community supports to meet their health and safety needs.

Children who are aging out of other state services: Children age out of DSHS Children's Administration (CA) services between the ages of 18 and 21. Children age out of DSHS Juvenile Rehabilitation Administration (JRA) services at age 18. Funding for their services through CA and JRA is specific to child serving administrations and dependent on these federal funding sources. The funds cannot accompany the child into DDD adult services.

Children enter CA services due to abuse and/or neglect in their family home and therefore are not able to be supported by their family. A number of the youth with developmental disabilities aging out of CA have medical or behavioral issues which cannot be adequately supported in Adult Family Homes, Adult Residential Care facilities or with Medicaid Personal Care. These youth require a more intensive level of support such as the DDD Supported Living Program.

Children enter JRA services due to criminal charges. A number of the youth with developmental disabilities aging out of JRA services have community protection issues including sexual offenses or violent crimes. They require 24-hour close supervision in order to maximize community safety. Families generally are not able to provide this level of support. They cannot reside in Adult Family Homes or Adult Residential Care facilities due to the risk they would present for other residents. These youth require supports at the level of a DDD 24-hour Community Protection program.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services: A review of DDD's Cap waiver was conducted by the Center for Medicare Medicaid Services (CMS) July 2001 – January 2002. The CMS report from this review states in Recommendation #4: "Remove all provisions from existing laws, regulations, policies and procedures that support or encourage denying CAP waiver clients access to needed waiver services due to funding limitations. At the same time, laws and policies should be implemented recognizing the need to fully fund the waiver services CAP participants are assessed to need." In discussions that were held about Washington's applications for the current four new DDD Home and Community Based Waivers, federal officials in Baltimore separately asked for assurance that Washington will meet waiver participant needs. As the CMS required yearly Plans of Care are completed for waiver participants, clients are assessed as having unmet health and safety needs. It is imperative services be authorized in order to not jeopardize continued federal funding (FFP) for Washington State under the current four DDD HCBS waivers.

## STATUS

The Division of Developmental Disabilities has placed a total of eight (8) clients since July 2005, with an average daily rate of \$252.34 (See attached spreadsheet). For the second quarter October through December 2005, DDD has placed four (4) clients.

Following is a description of the needs of one (1) individual who meets the criteria of "residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings", one (1) individual who meets the criteria of "children who are aging out of other state services", one (1) individual who meets the criteria "clients without residential services who are in crisis or immediate risk of needing an institutional placement.", and one (1) individual who meets the criteria of "current waiver clients who have been assessed as having an immediate need for residential services or increased support services". These client descriptions are provided to offer information about this particular population.

### Children who are aging out of other state services:

Client # 5 is a twenty year old man with Moderate Mental Retardation and Seizure Disorder who had been living in a foster home funded by DCFS. His placement disrupted when the foster home terminated their license with DCFS. This disruption in service mandated that he transition to adult services funded through DDD. Client # 5 attends Snohomish High School, receives speech therapy, and participates in the Life Skill program. Client # 5's foster care home provider was committed to providing ongoing services to him, and DDD worked with this provider to create a Companion Home residential setting whereby he was able to continue receiving supports with her. Funds from this proviso have been used to provide this residential program and beginning in June 2006, his vocational services.

### Clients without residential services who are in crisis or immediate risk of needing an institutional placement:

Client # 6 is a twenty-eight year old woman with a diagnosis of Down syndrome, Obsessive-Compulsive Disorder and Sleep Apnea who had been living at home with her family until her mother requested out of home placement. Client # 6 had become increasingly assaultive towards family members and was psychiatrically hospitalized after law enforcement was called during one of these episodes that included hitting her seven year-old sibling. Approximately five years earlier, client # 6 had begun hoarding paper that had grown to consume a significant amount of living space in the family home; creating a health and safety hazard. In September 2005, client # 6 was home alone and opened the door to a stranger who sexually assaulted her. Funds from this proviso have been used to provide supported living services that can better meet her personal care, protective supervision and habilitation needs.

Residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings:

Client # 7 is a thirty-one year old man with a diagnosis of Moderate Mental Retardation, Congenital Heart Disease, Panhypopituitarism, Hypothyroidism, Urethral Structure, Generalized Convulsive Epilepsy, and Intermittent Explosive Disorder who had been residing at Yakima Valley School since his mother passed away in April 2004. Recently, client # 7 requested a community placement. Funds from this proviso have been used to support client # 7 in a DDD certified Supported Living Program and to provide a day/employment program for him.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services:

Client # 8 is a fifty-three year old man with a diagnosis of Profound Mental Retardation, Blindness, Cerebral Palsy, and Seizure disorder who had been receiving MPC services through an Individual Provider (IP) until such time that the IP notified DDD that she could no longer provide services for him. Client # 8 requires total assistance with all activities of daily living. He experiences periodic episodes of agitated behavior and will hit the wall with his fists and scream. Funds from this proviso have been used to support client # 8 in a DDD certified Supported Living program which will better meet his personal care, protective supervision and habilitation needs.

2005-2007  
Proviso Tracking  
Community Residential Supports  
OUTPLACEMENT TOTALS  
2nd Quarter Totals

				Type of Services				Expenditures	
Community Residential & Support		Residential	Number of	Residential	Day Services	Other	Therapies	Total	Total Expend.
#	Moved To	Start Date	Days in Service	Daily Rate	Daily Rate	Daily Rate	Daily Rate	Daily Expend.	To Date
1	Region 6	08/29/05	125	\$ 225.21	\$ -	\$ -	\$ -	\$ 225.21	\$ 28,151.25
2	Region 6	08/29/05	125	\$ 300.00	\$ -	\$ -	\$ -	\$ 300.00	\$ 37,500.00
3	Region 4	09/30/05	93	\$ 256.48	\$ -	\$ -	\$ 15.00	\$ 271.48	\$ 25,247.64
4	Region 1	09/30/05	93	\$ 296.78	\$ -	\$ -	\$ 3.22	\$ 300.00	\$ 27,900.00
5	Region 3	10/04/05	89	\$ 115.07	\$ 24.00			\$ 139.07	\$ 12,377.23
6	Region 4	11/5/05	57	\$ 263.40	\$ -	\$ -	\$ -	\$ 263.40	\$ 15,013.80
7	Region 2	11/21/05	41	\$ 229.10	\$ 24.00	\$ -	\$ 1.25	\$ 254.35	\$ 10,428.35
8	Region 4	11/28/05	34	\$ 260.62	\$ -	\$ -	\$ 4.60	\$ 265.22	\$ 9,017.48
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Average for Proviso								\$ 252.34	\$ 165,635.75

revised with 2nd quarter total days